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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,461	03/31/2006	Jan Holm	P20681-US1/080576	9008
27045 7590 06/30/2009				
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR 1-C-11 PLANO, TX 75024				
EXAMINER				
NGUYEN, TU X				
ART UNIT		PAPER NUMBER		
2618				
MAIL DATE		DELIVERY MODE		
06/30/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/574,461

Applicant(s)

HOLM, JAN

Examiner

TU X. NGUYEN

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10 and 12-15 is/are pending in the application.
- 4a) Of the above claim(s) 9 and 11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10 and 12-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

The informal drawings are not of sufficient quality to permit examination. Accordingly, replacement drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to this Office action. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action.

Applicant is given a TWO MONTH time period to submit new drawings in compliance with 37 CFR 1.81. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a). Failure to timely submit replacement drawing sheets will result in ABANDONMENT of the application.

Response to Amendment

Applicant's arguments with respect to claims 1 and 9-12, have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-2 and 6-8, 10 and 12-14, are rejected under 35 U.S.C. 103(a) as being patentable over Harris et al. (US Pub. 20060223568) in view of Fournier et al. (US Patent 7444160).

Regarding claim 1, Harris et al. disclose a method of operating a push-to-talk service over a mobile wireless communication network (par.026), where a user of a mobile wireless terminal may select an automatic or manual answer mode for incoming session invitations for at least some other users, the method comprising the steps of:

including in the push-to-talk session invitation sent from a calling party to a called party, a manual answer mode request requesting said called party to answer an incoming session in said manual answer mode (abstract, fig.5 element 502);

upon receipt of the session invitation at a push-to-talk server serving the called party (fig.1, elements 106, 110, 114), forwarding the session invitation including the manual answer mode request to the called party regardless of any auto-answer mode setting for the called party (abstract, fig.5 element 502); and

receiving the session invitation at the called party, and generating an alert at the called party's terminal (par.017).

Harris et al. fail to disclose determining at said push-to-talk server that said manual answer modulation request is included in said push-to-talk session stored within as server.

Fournier et al. disclose determining at said push-to-talk server that said manual answer modulation request is included in said push-to-talk session stored within as server (abstract). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Harris et al. with the above teaching of Fournier et al. in order to invoke silent mode for PTT on a mobile phone without causing reconfiguration of user-defined access lists that are maintained on the server (as suggested by Fournier et al., col.1 lines 65-67).

Regarding claims 2 and 13-14, the modified Harris et al. disclose the signaling protocol used to establish and control push-to-talk sessions is the Session Initiation Protocol (par.0014), and the invitation that contains the manual answer mode request is one of the Session Initiation Protocol INVITE (Fournier et al., fig.5, element 502) or REFER messages.

Regarding claim 6, the modified Harris et al. disclose receiving a user prompt at the calling party to request manual answer mode, and as a result including the request in the invitation at the calling party (Fournier et al., fig.5, element 504).

Regarding claim 7, the modified Harris et al. disclose said request at the calling party automatically (par.024).

Regarding claim 8, the modified Harris et al. disclose said push-to-talk service is a push-to-talk over cellular service (Fournier et al., par.026).

Regarding claim 10, Harris et al. disclose a method of operating a push-to-talk server within a mobile wireless communication network (par.026), the method comprising the steps of:

receiving a push-to-talk invitation from a calling client terminal, the invitation including a manual answer mode request requesting a called party to answer in said manual answer mode (par.015, fig. 5, element 502).

forwarding an incoming session request including the manual answer mode request to a specified called client terminal, and awaiting receipt of an answer message from the called client terminal in response to said called client terminal being alerted of said incoming session request before proceeding with session establishment (fig.5 elements 506, 512).

Harris et al. fail to disclose determining at said push-to-talk server that said manual answer modulation request is included in said push-to-talk session stored within as server.

Fournier et al. disclose determining at said push-to-talk server that said manual answer modulation request is included in said push-to-talk session stored within as server (abstract). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Harris et al. with the above teaching of Fournier et al. in order to invoke silent mode for PTT on a mobile phone without causing reconfiguration of user-defined access lists that are maintained on the server (as suggested by Fournier et al., col.1 lines 65-67).

Regarding claim 12, Harris et al. disclose a push-to-talk for use in a mobile wireless communication network to provide a push-to-talk service to wireless mobile terminals, comprising: an input for receiving a push-to-talk invitation from a first wireless mobile terminal destined for a second wireless mobile terminal, where the invitation may include a manual answer mode request requesting said second wireless mobile terminal to answer said invitation in a manual answer mode (abstract, par.026); an output for forwarding a received push-to-talk invitation to said second, destination wireless mobile terminal; and a processor programmed (par.033) to determine whether or not a said received invitation includes said manual answer mode request and, if so and if an automatic answer mode has been set for the second wireless mobile terminal, overriding the automatic mode setting and forwarding the invitation to the second wireless terminal including the manual answer mode request via said output (fig.3).

Harris et al. fail to disclose a push-to-talk server.

Fournier et al. disclose a push-to-talk server (abstract). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Harris et al. with the above teaching of Fournier et al. in order to invoke silent mode for PTT on a mobile phone without causing reconfiguration of user-defined access lists that are maintained on the server (as suggested by Fournier et al., col.1 lines 65-67).

Claims 3-5 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris et al. (US Pub. 20060223568) in view of Fournier et al. and further in view of Black (US Pub. 2004/0057449).

Regarding claims 3-5 and 15, the modified Harris et al. fail to disclose the push-to-talk session invitation is forwarded by said push-to-talk server to the called party only following an authorisation procedure carried out by the server.

Black discloses the push-to-talk session invitation is forwarded by said push-to-talk server to the called party only following an authorisation procedure carried out by the server (par.028, 081). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Harris et al. with the above teaching of Black in order to provide authentication and guard against eavesdropping.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Nguyen whose telephone number is 571-272-7883.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Tu X Nguyen/

Primary Examiner, Art Unit 2618

6/23/09